

for filing a separate petition for waiver in the present application.

However, in an abundance of caution, Applicants hereby submit a conditional petition under 37 CFR 1.183 for waiver of the requirements of 37 CFR 1.84, along with a proposed amendment to the specification pursuant to MPEP 608.02 (Color Drawings). If it is deemed that a separate petition is required, authorization is hereby given to charge the required fee of \$130.00 for filing this petition to Deposit Account No. 20-1430 (a duplicate of this conditional petition is enclosed for accounting purposes).

In conjunction with the above conditional petition for waiver, Applicants enclose herewith five sets of formal drawings, including the color drawings, which also incorporate the corrections and/or changes specified in the Notice of Draftsman's Patent Drawing Review attached to Paper No. 7 and referred to in the Notice of Allowability mailed January 10, 1995 for the above-identified application.

Applicants also request amendment of the specification as follows:

Page 1, line 2, insert the following paragraph:

--The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.--

Respectfully submitted,

TOWNSEND and TOWNSEND KHOURIE and CREW

Date: 3/14/95

By:

  
Vern Norviel  
Reg. No. 32,483

Enclosures:

1. Copy of Decision on Petition for Waiver
2. Five (5) sets of formal drawings  
(including color drawings)

VN:dc

WORK/16528J/000180.P09

TOWNSEND and TOWNSEND KHOURIE and CREW  
Steuart Street Tower  
One Market  
San Francisco, CA 94105  
(415) 326-2400



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OF PATENTS AND  
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San Francisco, CA 94105

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OCT 31 1991

DEPUTY ASST. COMM.

In re Application of :  
Michael C. Pirrung et al. :  
Serial No. 07/492,462 : , ON PETITION  
Filed: March 7, 1990 :  
Attorney Docket No. 11509A11 :  
:

This is a decision on the petition under 37 CFR 1.183, filed September 4, 1990, to suspend the requirements of 37 CFR 1.84.

The petition is granted.

Petitioner seeks to file color drawings in order to enable the identification of binding characteristics of immunoglobulin or the like via intensity plots.

It is appropriate to suspend the requirements of 37 CFR 1.84 and accept the color drawings since petitioner has submitted a set of five (5) drawings with figures 13A-13D, 15A-15B, 16, 17, 19 and 20 in color on DIN size A4 sheets, has described the color drawings in the specification, and has indicated that color drawings are necessary to adequately disclose the invention.

The application is being forwarded to Group 180.

Jeffrey V. Nase, Director  
Office of Petitions  
Office of the Assistant Commissioner  
for Patents



11509-A-1-1  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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Washington, D.C. 20231

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Washington, D.C. 20231

11509-A-1-1

DEPARTMENT OF COMMERCE

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OCT 31 1991

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ON PETITION

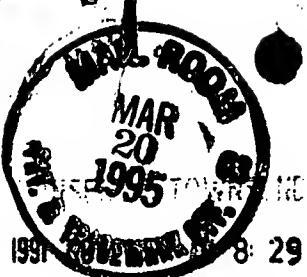
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Michael C. Pirrung et al. :  
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Jeffrey V. Nase, Director  
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for Patents

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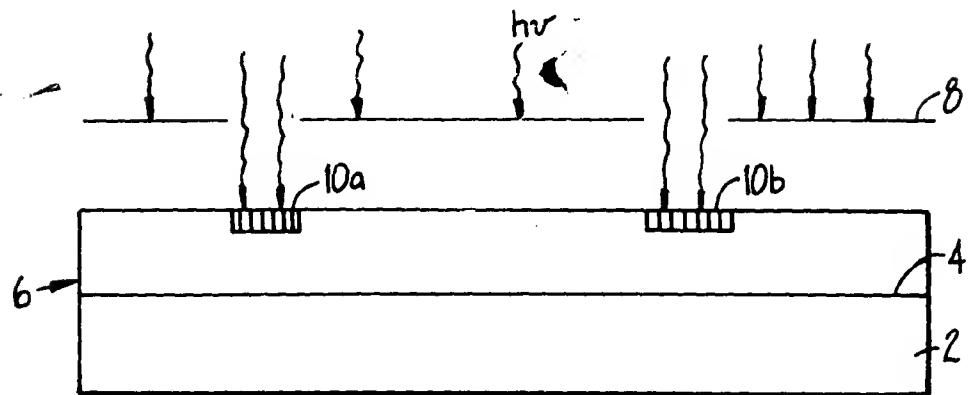


FIG. 1.

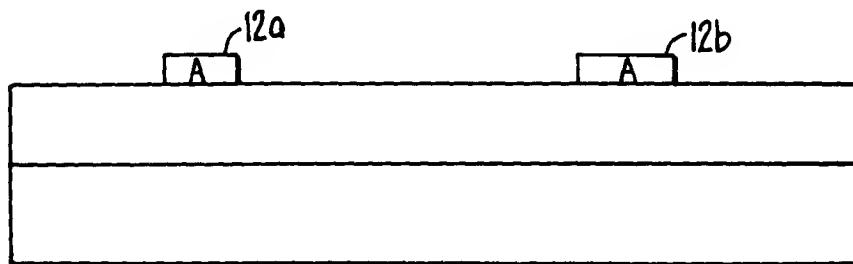


FIG. 2.

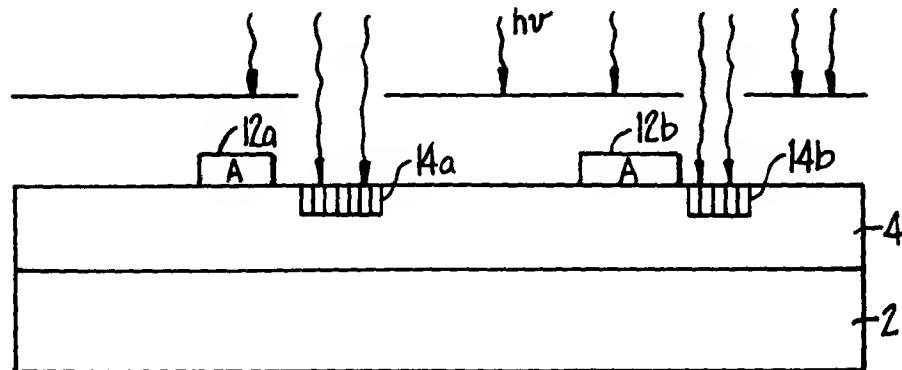


FIG. 3.

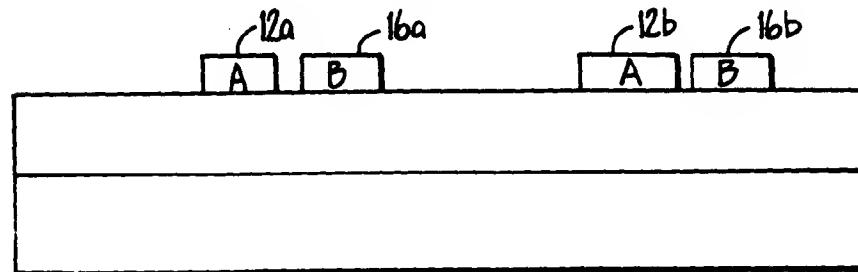


FIG. 4.

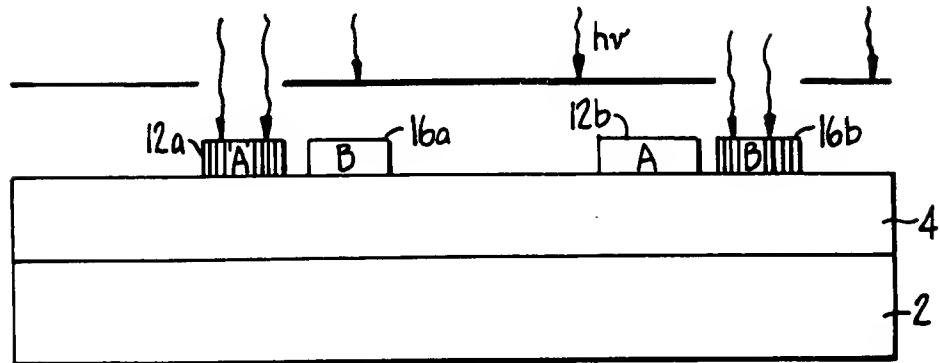


FIG.-5.

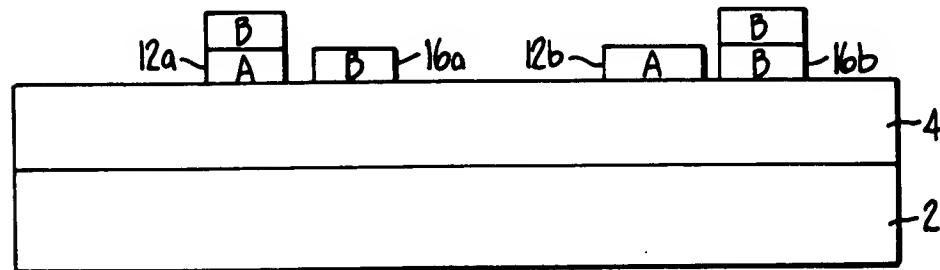


FIG.-6.

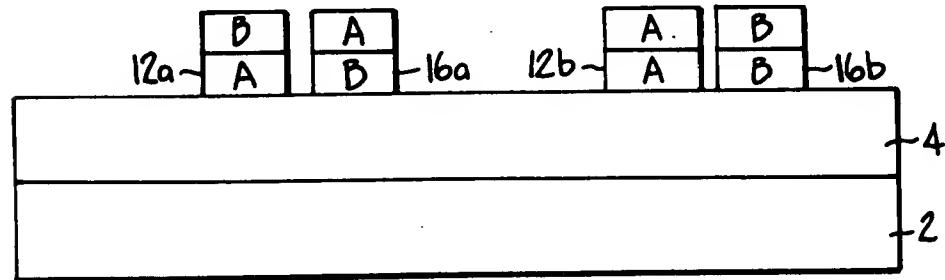


FIG.-7.

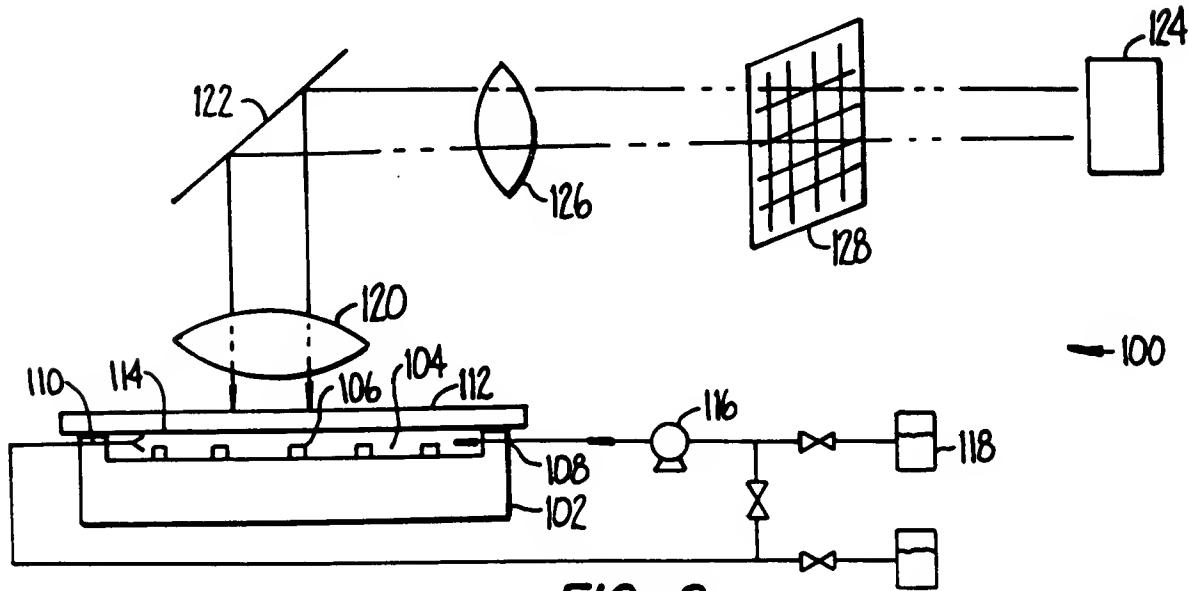


FIG.-8a.

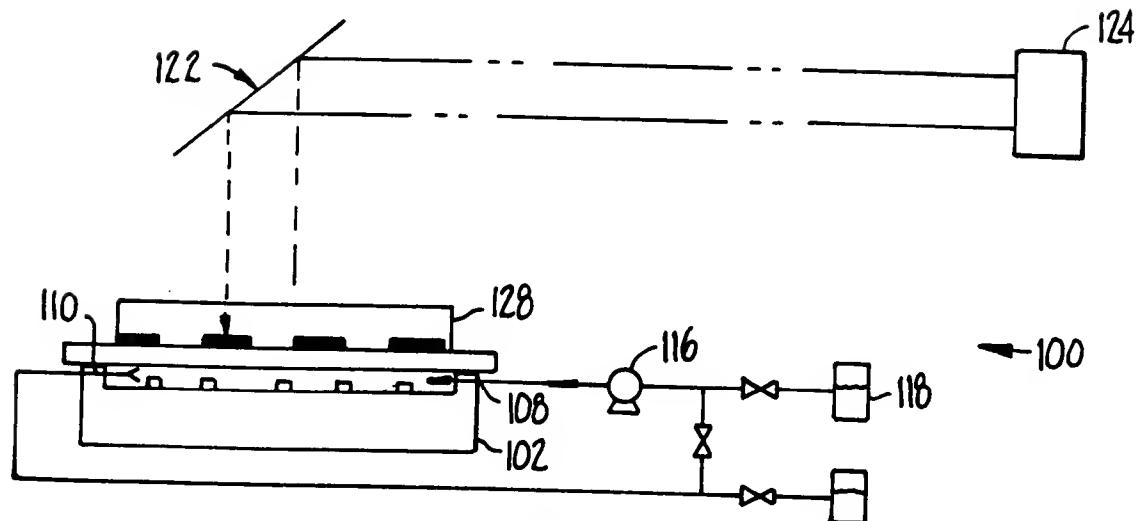


FIG. 8b.

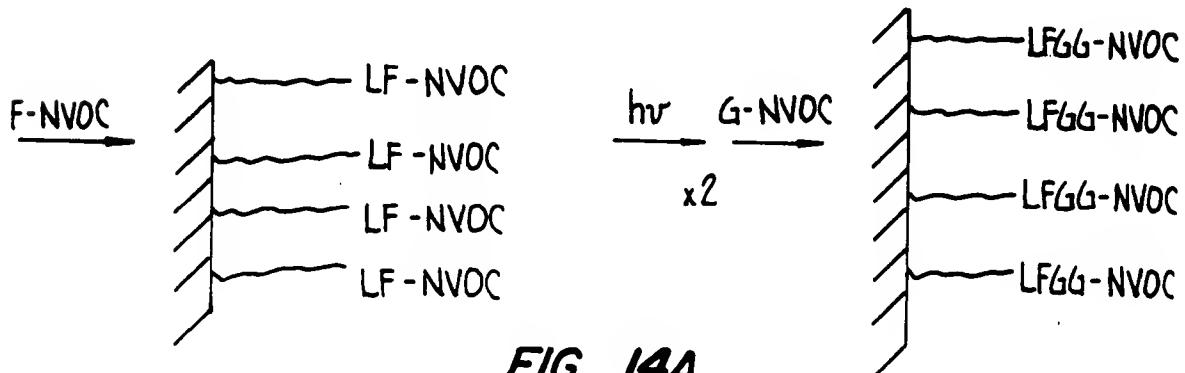
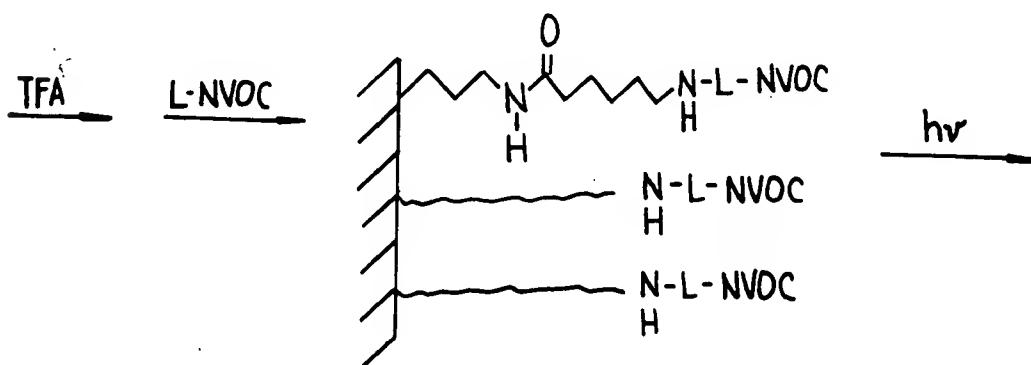
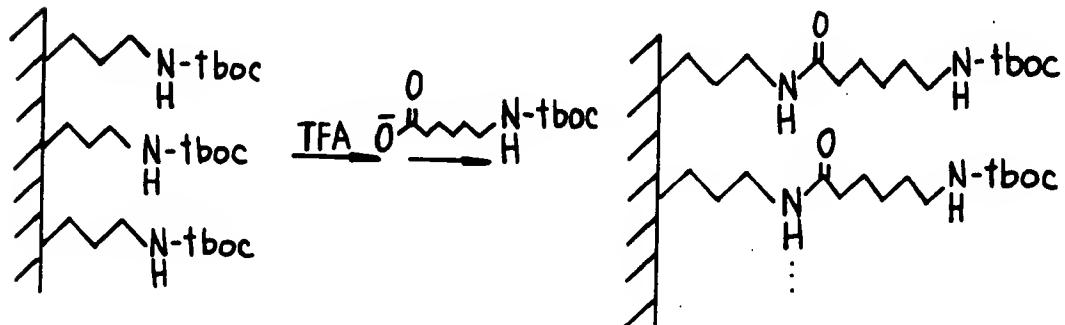


FIG. 14A.

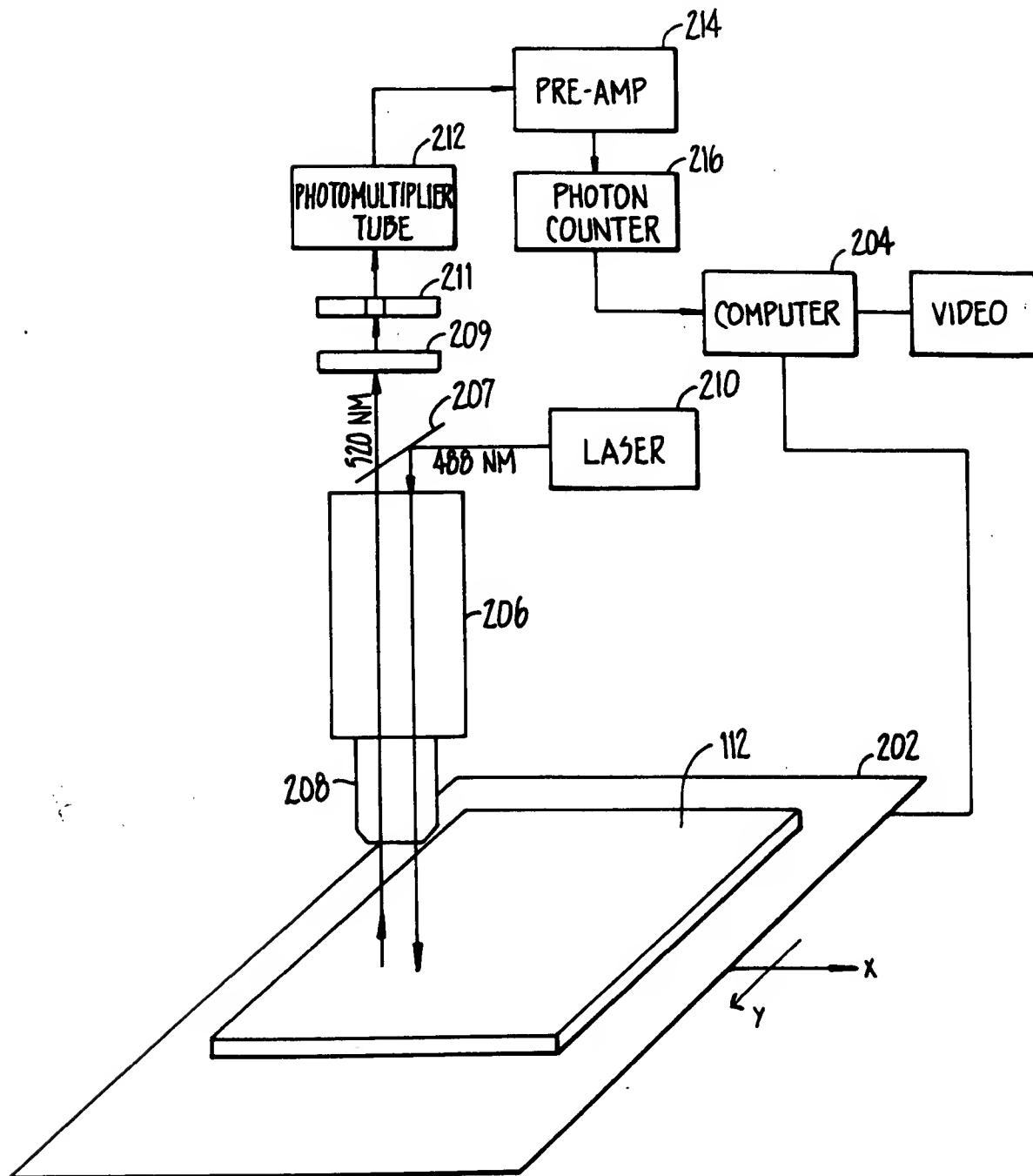
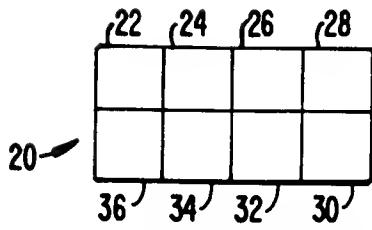
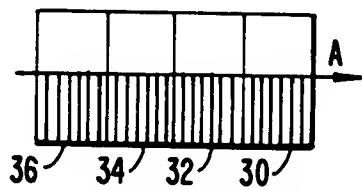


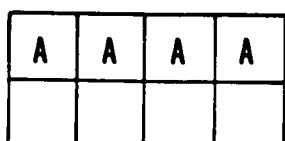
FIG. 9.



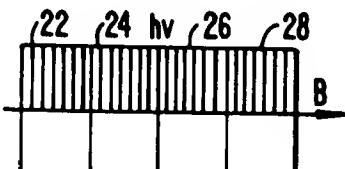
*FIG. 10A.*



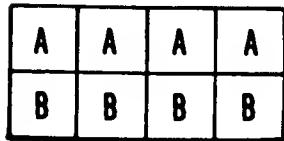
*FIG. 10B.*



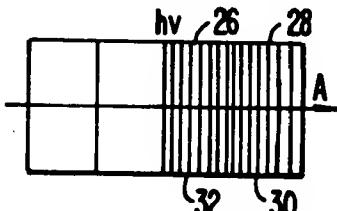
*FIG. 10C.*



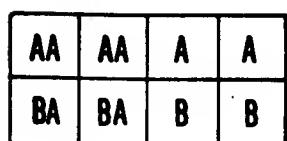
*FIG. 10D.*



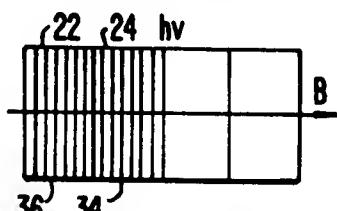
*FIG. 10E.*



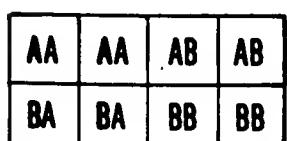
*FIG. 10F.*



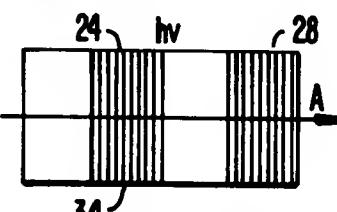
*FIG. 10G.*



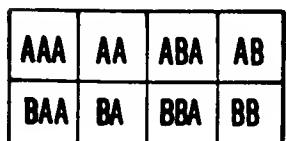
*FIG. 10H.*



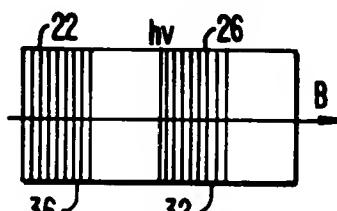
*FIG. 10I.*



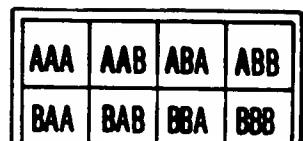
*FIG. 10J.*



*FIG. 10K.*



*FIG. 10L.*



*FIG. 10M.*

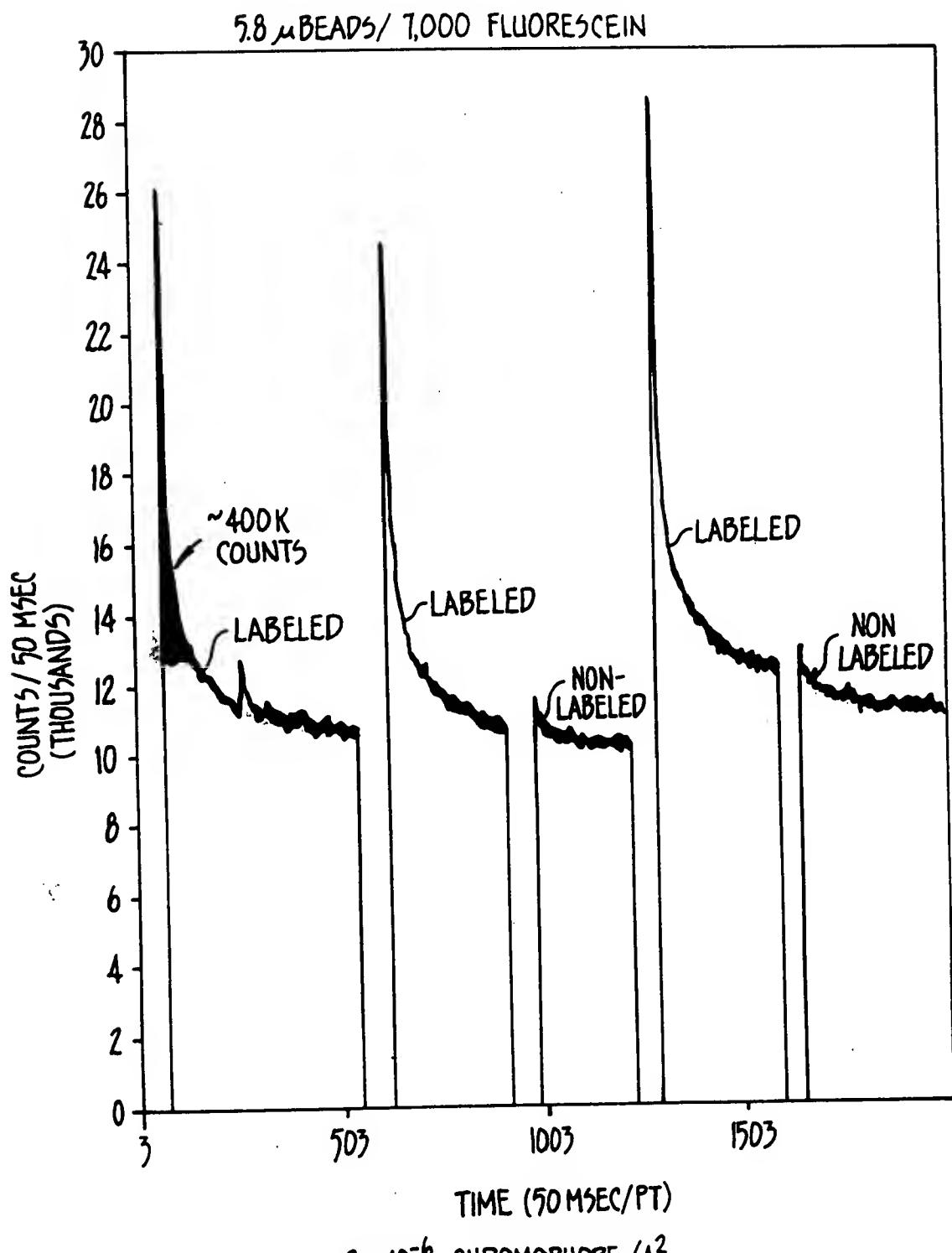


FIG.\_IIA.

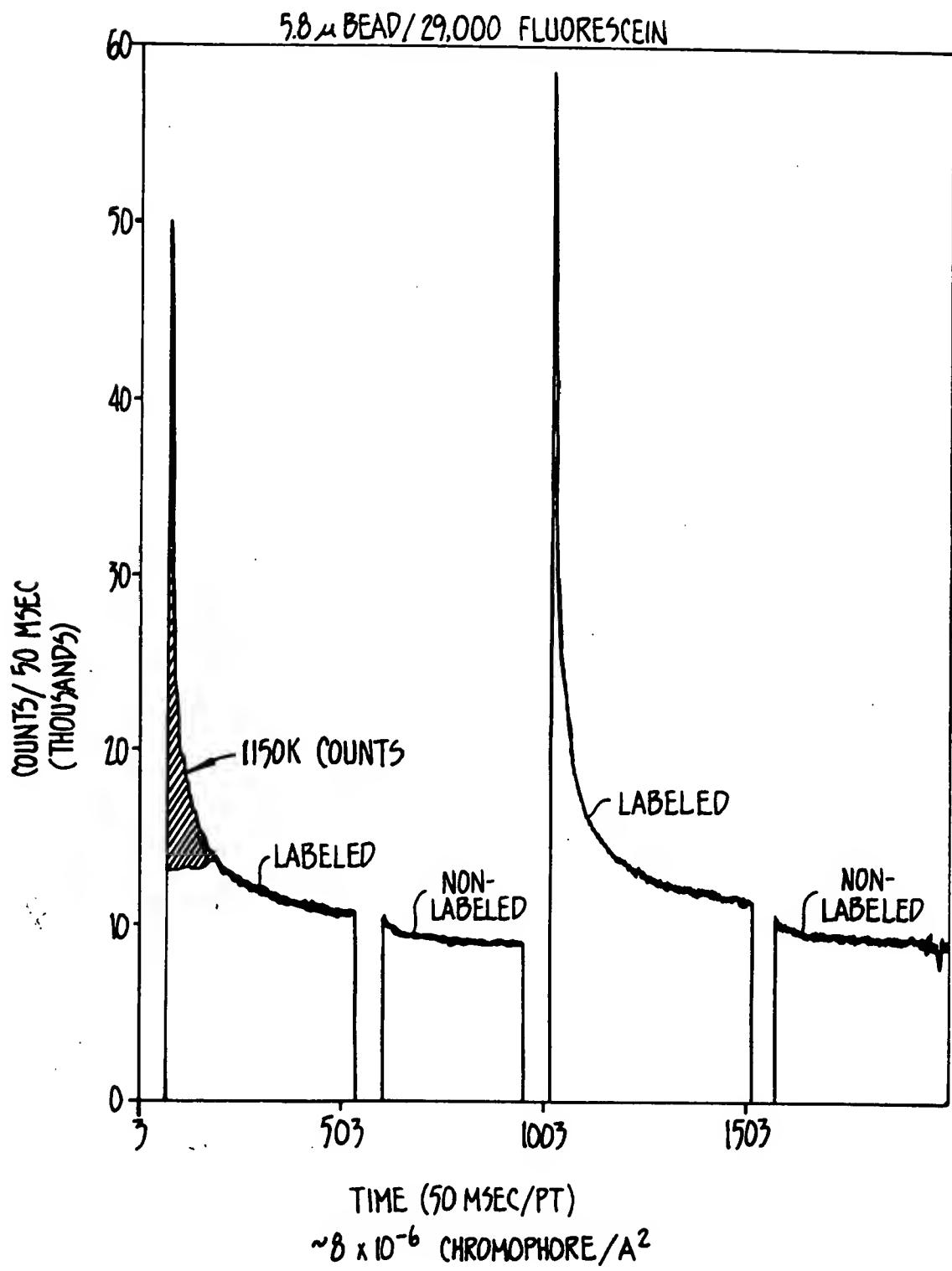


FIG. 11B.

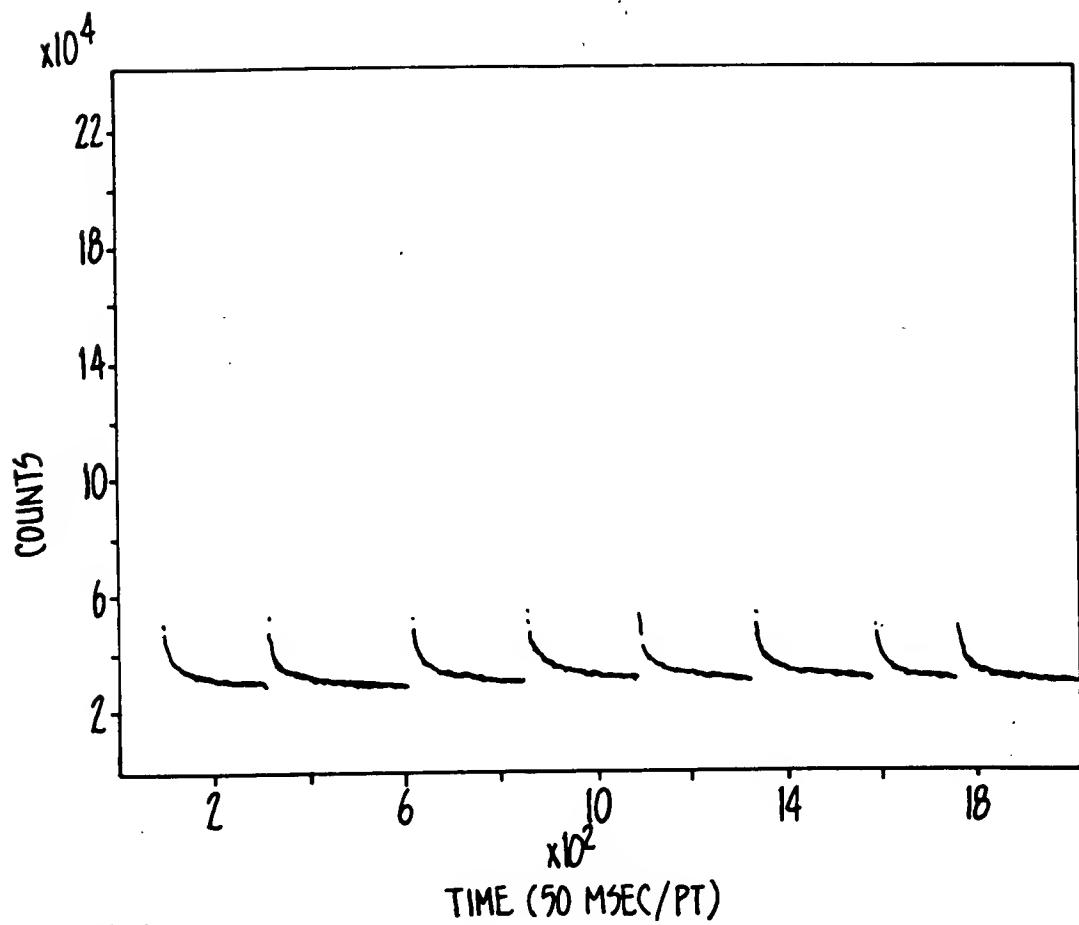


FIG. 12A.

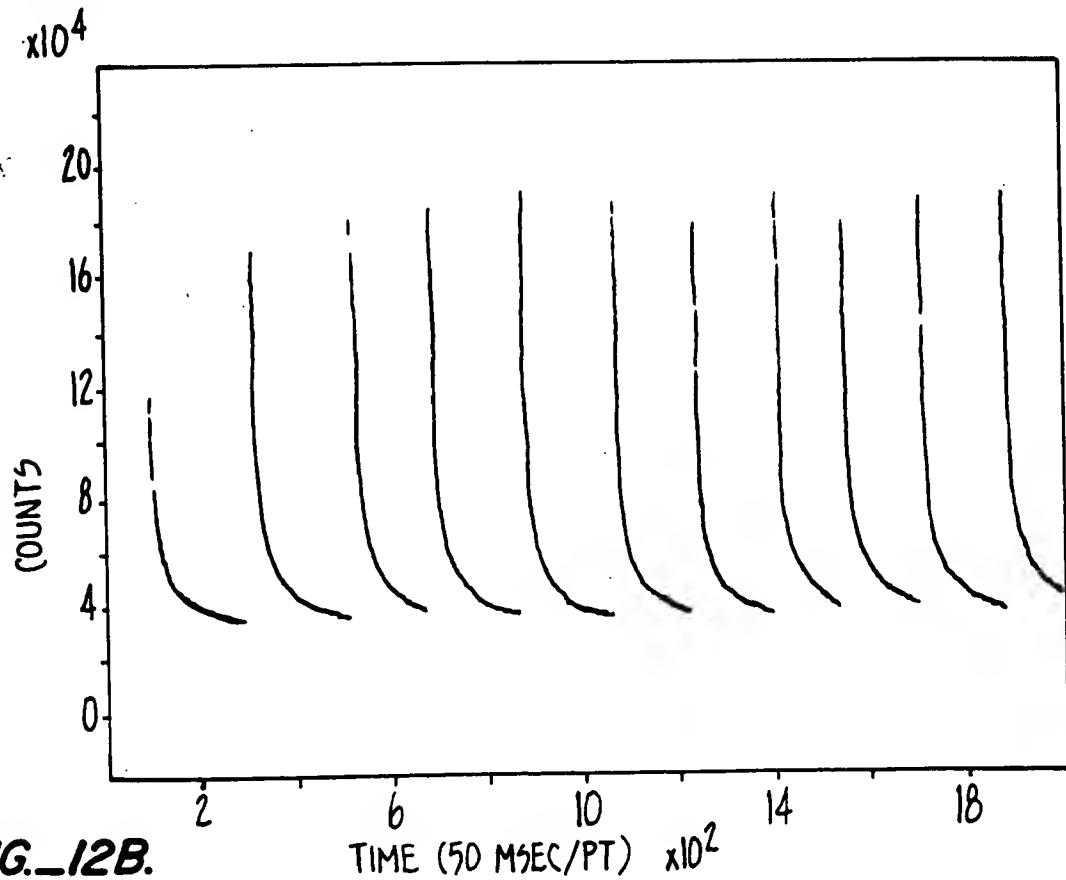
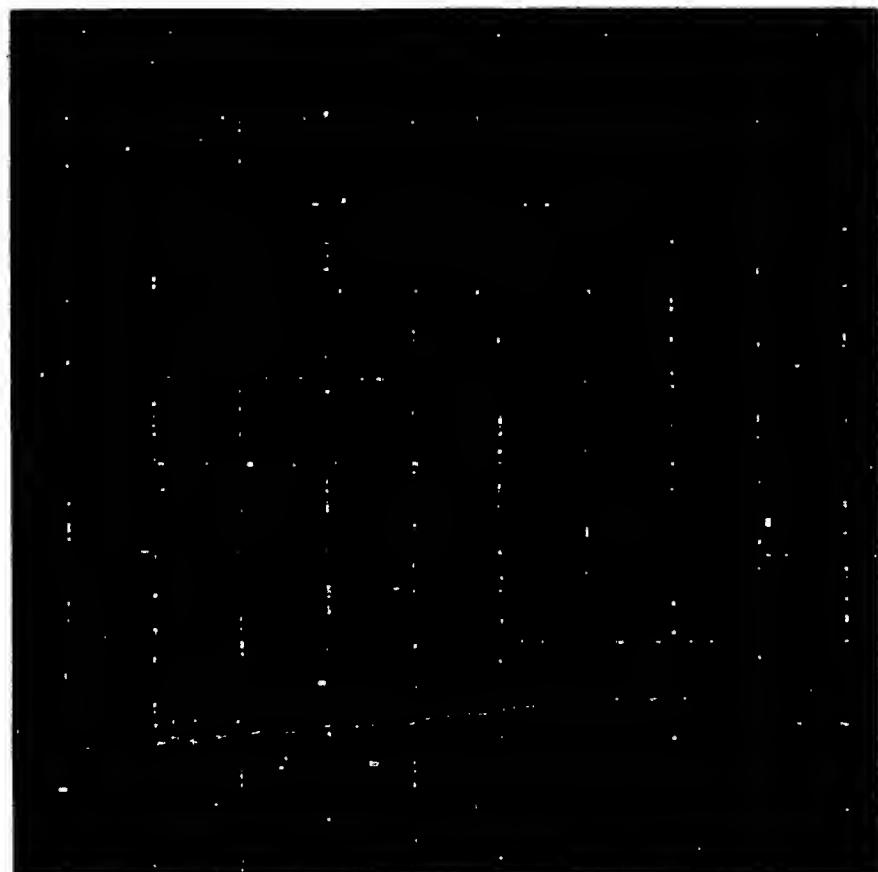


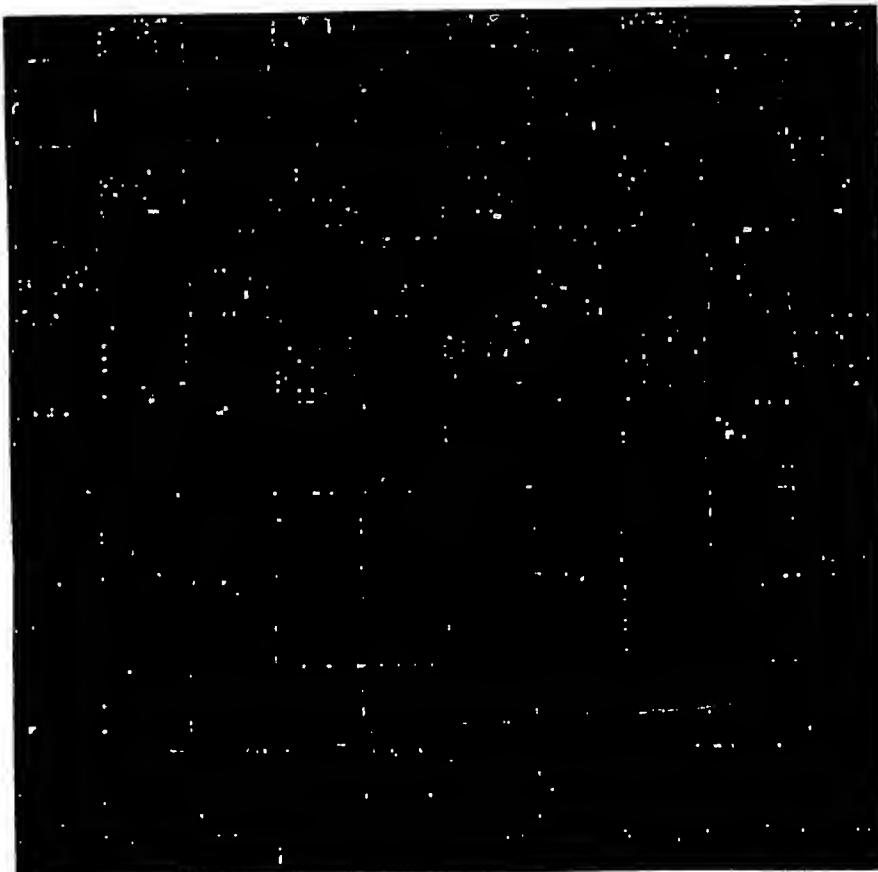
FIG. 12B.



1023027  
728188.3  
322785.5  
300672.6  
285930.7  
278559.7  
271188.8  
212221.1  
197479.2  
182737.3  
138511.5

MEAN : 285930.7  
VAR: 2.173242E+10  
 $\sigma$ : 147419.2

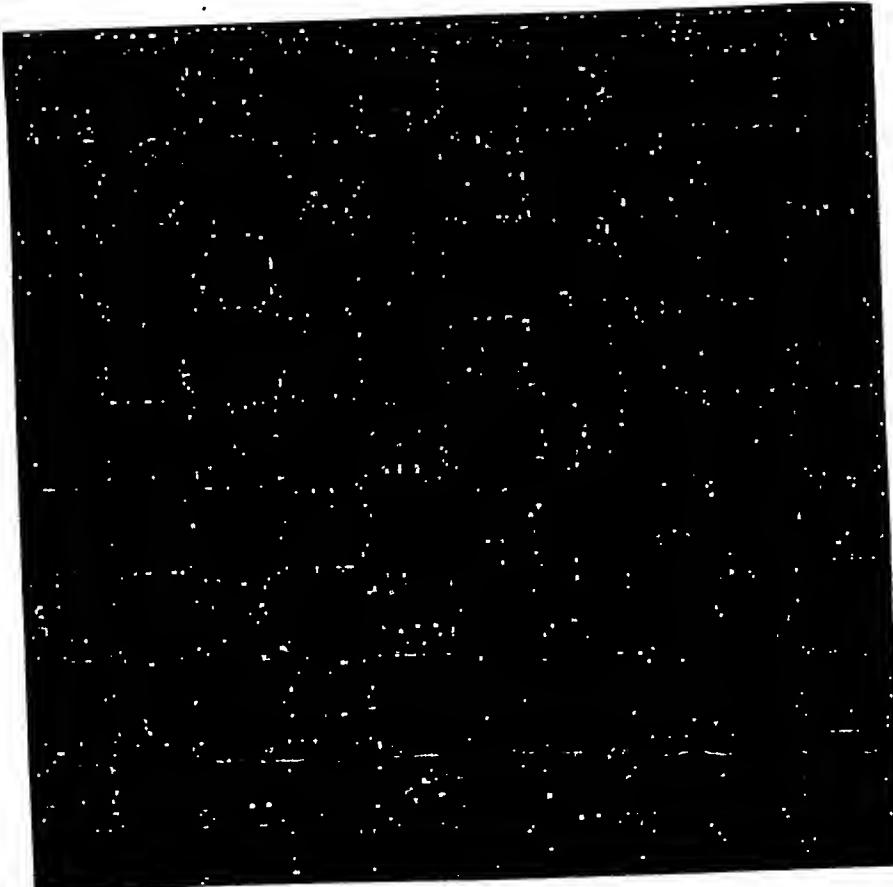
*FIG.-13A.*



617735.3  
417730.7  
142724.2  
127723.9  
117723.6  
112723.5  
107723.4  
67722.45  
57722.21  
47721.98  
17721.27

MEAN: 117723.6  
VAR: 1.000047E+10  
 $\sigma$ : 100002.3

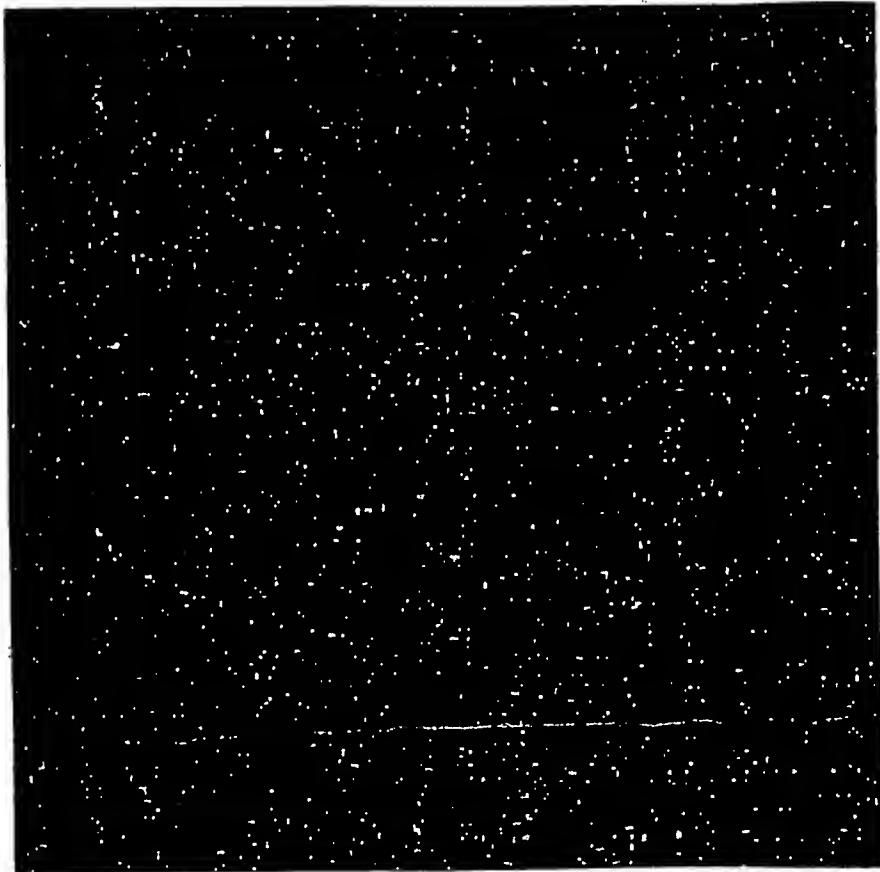
*FIG.\_13B.*



- 552484.3  
373317.4  
126963  
113525.5  
104567.2  
100000  
95608.83  
59775.46  
50017.12  
41858.78  
14983.75

MEAN: 104567.2  
VAR: 8.025189E+09  
 $\sigma$ : 89583.42

FIG.-13C.



495246  
335766.3  
116481.9  
104520.9  
96546.92  
92559.93  
88572.94  
56677.02  
48703.04  
40729.06  
16807.12

MEAN: 96546.92  
VAR: 6.358437E+09  
 $\sigma$ : 79739.8

*FIG.—13D.*

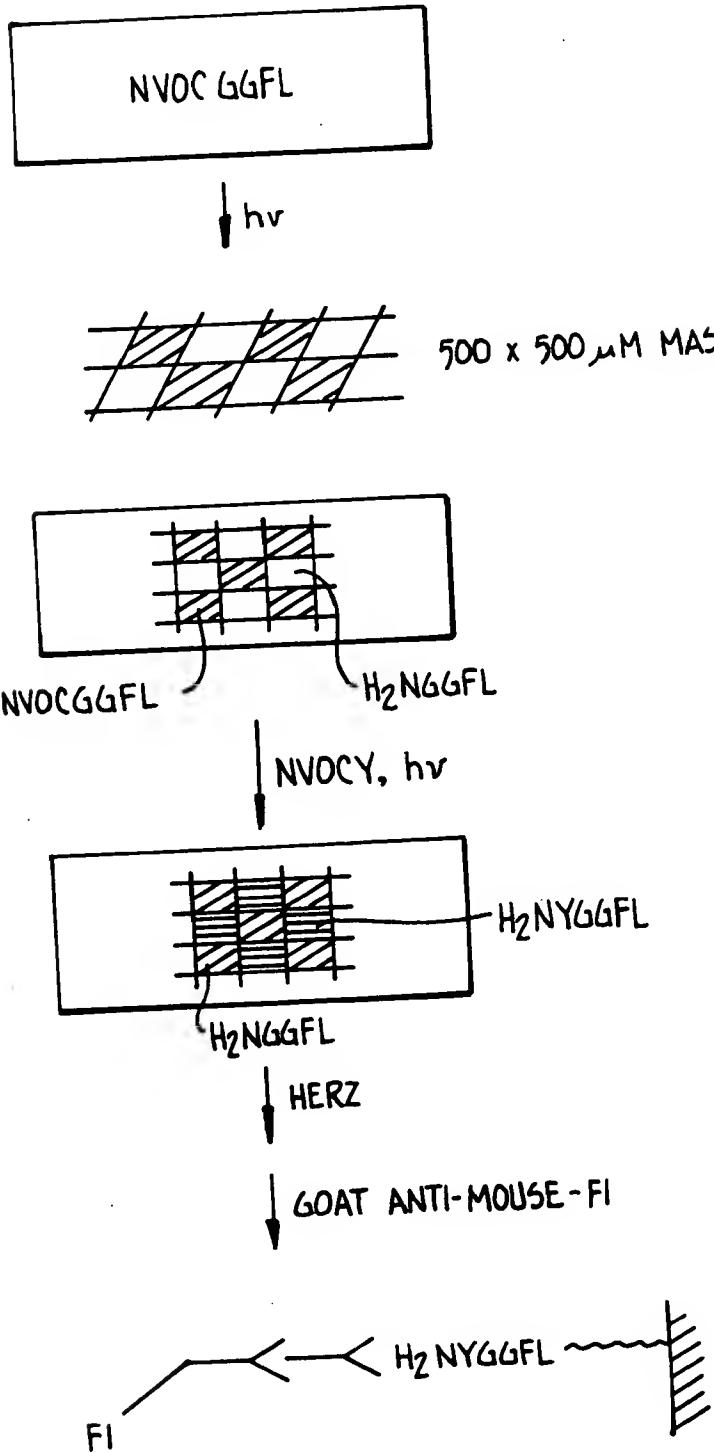
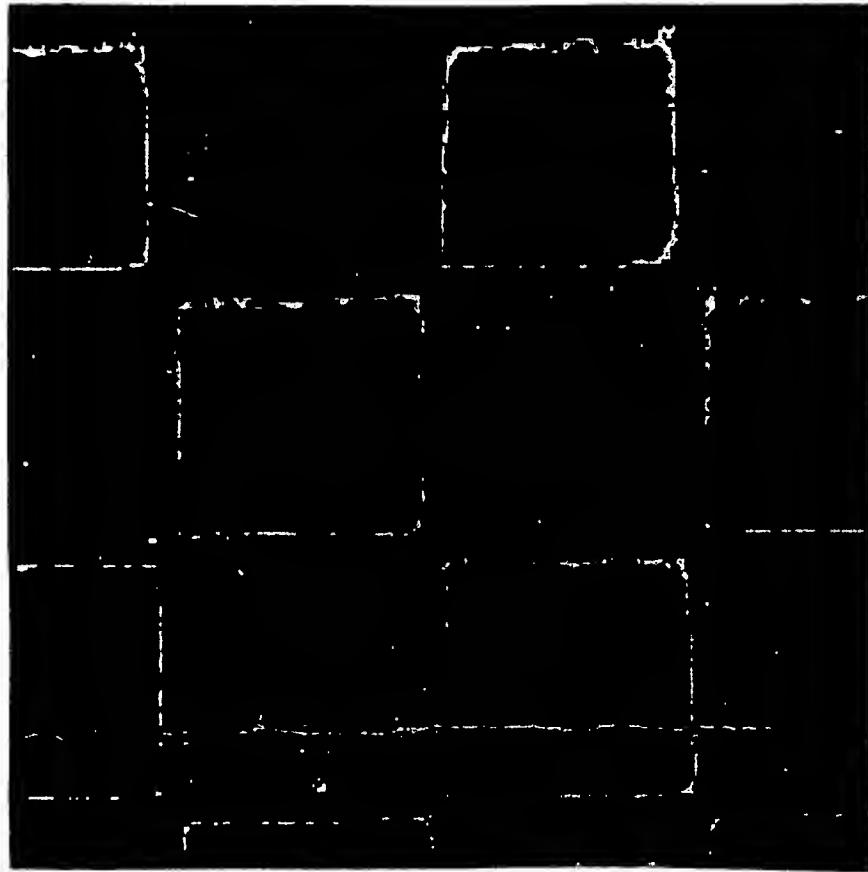


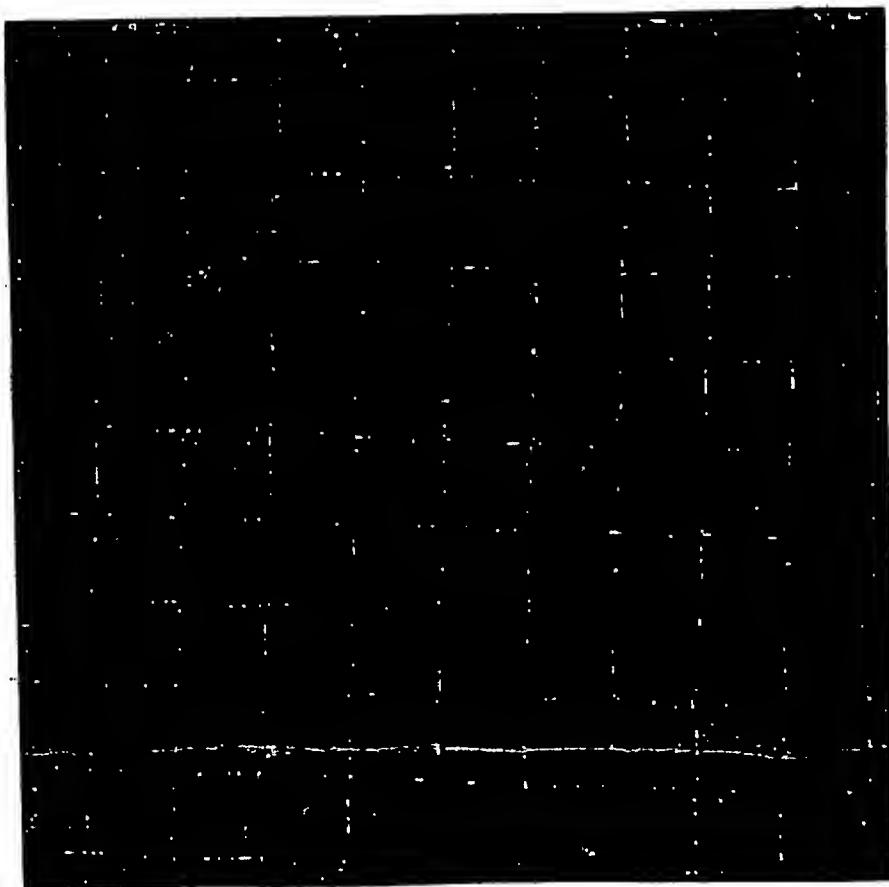
FIG. 14B.



50780.26  
34141.69  
30813.97  
28595.5  
27486.26  
26377.02  
17503.12  
11956.92  
6410.734  
-15774.03  
37958.79

MEAN: 28595.5  
VAR: 4.921637E+08  
 $\sigma$ : 22184.76

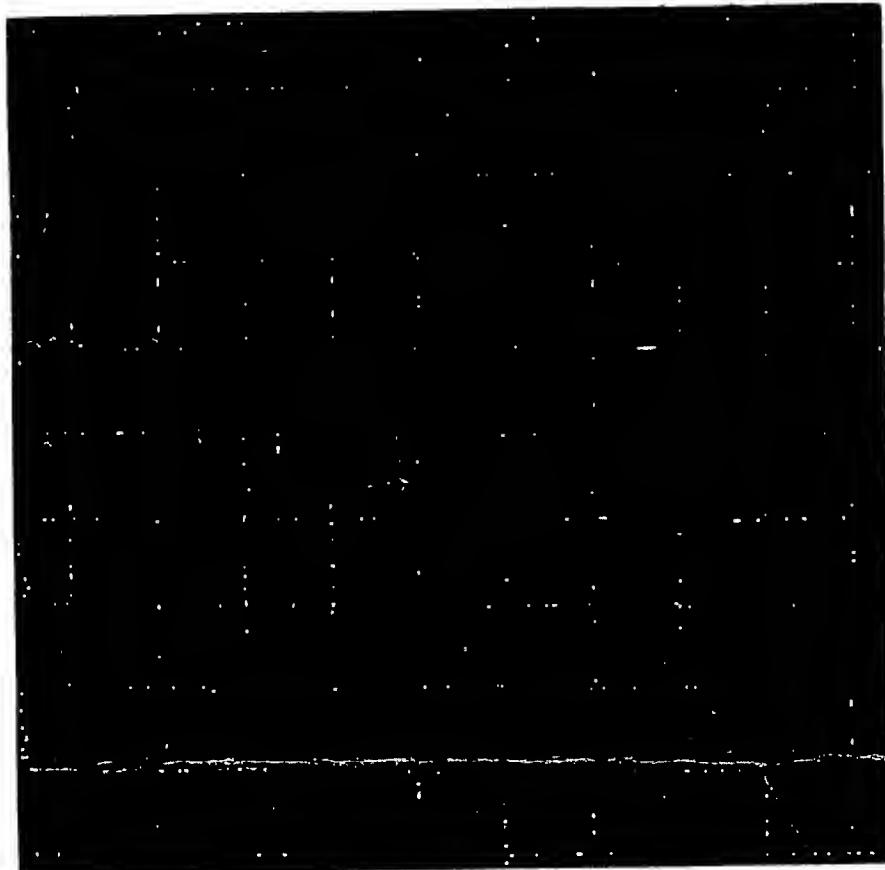
*FIG.-15A.*



819976.1  
600504.3  
216230.6  
195270.2  
181296.6  
174309.8  
167323  
111428.7  
97455.07  
83481.48  
41560.72

MEAN: 181296.6  
VAR: 1.952612E+10  
 $\sigma$ : 139735.9

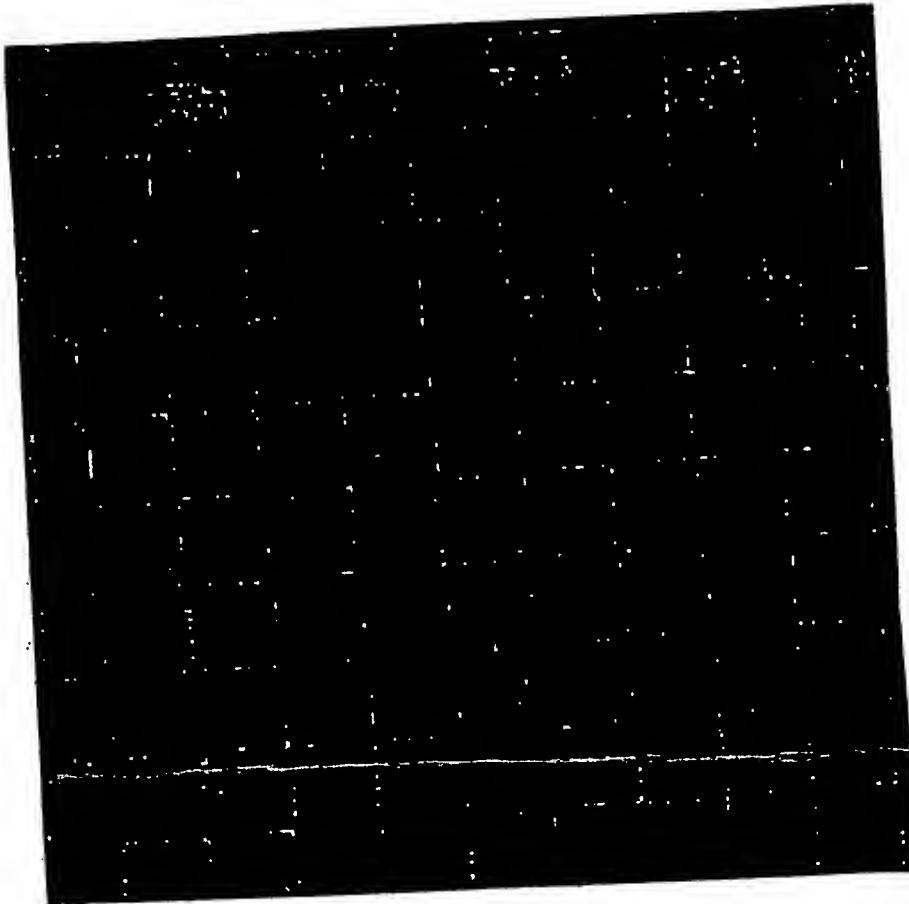
*FIG.-15B.*



636588  
428583.8  
142577.9  
126977.5  
116577.3  
111377.2  
106177.1  
64576.25  
54176.03  
43775.82  
12575.18

MEAN: 116577.3  
VAR: 1.081645E+10  
 $\sigma$ : 104002.1

*FIG.\_16.*



667348.3

453053

158397

142324.9

131610.1

126252.7

120895.3

78036.29

67321.52

56606.77

24462.47

MEAN: 131610.1  
VAR: 1.148062E+10  
 $\sigma$ : 107147.6

*FIG.-17.*

P A S G

<u>L</u> PGL	<u>L</u> AGFL	<u>L</u> SGFL	<u>L</u> GGFL
<u>F</u> PGL	<u>F</u> AGFL	<u>F</u> SGFL	<u>F</u> GGFL
<u>W</u> PGL	<u>W</u> AGFL	<u>W</u> SGFL	<u>W</u> GGFL
<u>Y</u> PGL	<u>Y</u> AGFL	<u>Y</u> SGFL	<u>Y</u> GGFL

L SET

P a s G

<u>Y</u> pGFL	<u>Y</u> aGFL	<u>Y</u> sGFL	<u>Y</u> GGFL
<u>f</u> pGFL	<u>f</u> aGFL	<u>f</u> sGFL	<u>f</u> GGFL
<u>w</u> pGFL	<u>w</u> aGFL	<u>w</u> sGFL	<u>w</u> GGFL
<u>y</u> pGFL	<u>y</u> aGFL	<u>y</u> sGFL	<u>y</u> GGFL

D SET

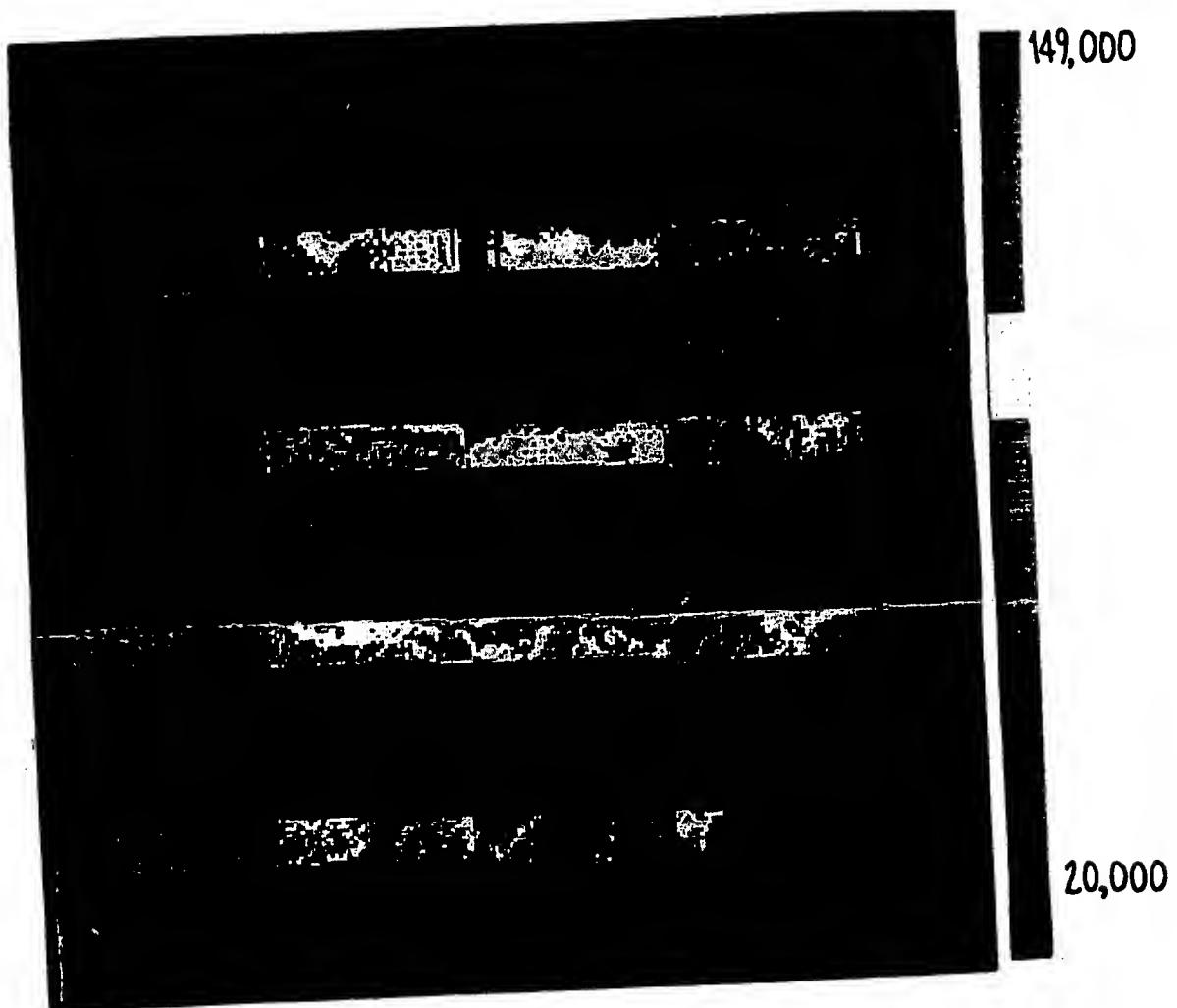
FIG-18B.

U.S. Patent

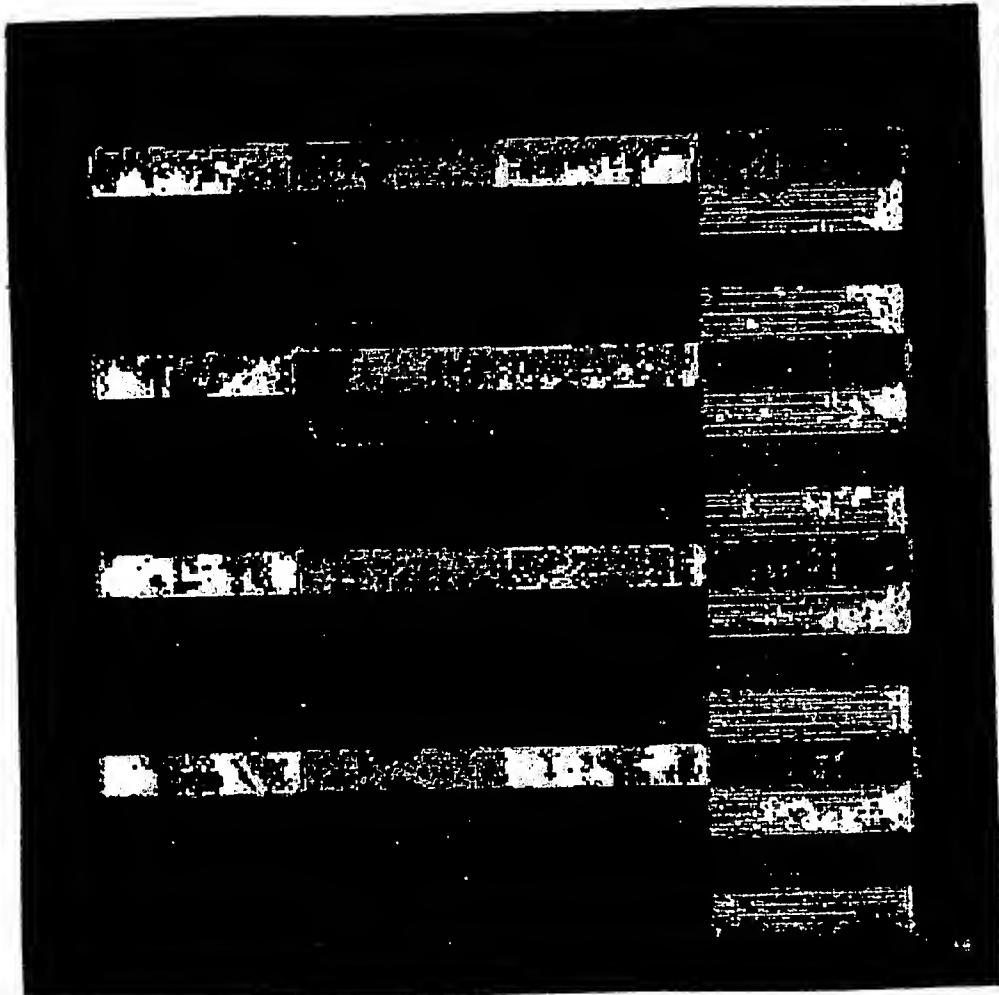
Aug. 29, 1995

Sheet 19 of 20

5,445,934



*FIG. 19.*



325,000

40,000

*FIG.-20.*

**PART B—ISSUE FEE TRANSMITTAL**

**FILING INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE. Blocks 2 through 6 should be completed where appropriate. Further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to addressee entered in Block 1 unless you direct otherwise, by: (a) specifying a new correspondence address in Block 3 below; or (b) providing the PTO with a separate ADDRESS for maintenance fee notifications with the payment of Issue Fee or thereafter. See reverse for Certificate of Mailing.

1. CORRESPONDENCE ADDRESS

MAR 20 1995  
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T.M. & TRADEMARKS  
TOWNSEND AND TOWNSEND  
STEUART STREET TOWER  
ONE MARKET PLAZA  
SAN FRANCISCO, CA 94105

18N1/0110

2. INVENTOR(S) ADDRESS CHANGE (Complete only if there is a change)

INVENTOR'S NAME

RECEIVED

Street Address

City, State and ZIP Code

CO-INVENTOR'S NAME

Street Address

City, State and ZIP Code

Check if additional changes are on reverse side

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
07/954,646	09/30/92	010	GREEN, L. 1802	01/10/95
First Named Applicant	FODOR,	STEPHEN P.A.		

TITLE OF INVENTION **OLIGONUCLEOTIDES ARRAY OF ELIGONUCLEOTIDES ON A SOLID SUBSTRATE (AS AMENDED)**

	ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
1	11509-57-5	436-006.000	H84	UTILITY	NO	\$1,210.00	

3. Correspondence address change (Complete only if there is a change)

TOWNSEND and TOWNSEND KHOURIE and CREW  
Steuart Street Tower  
One Market  
San Francisco, CA 94105

4. For printing on the patent front page, list the names of not more than 3 registered patent attorneys or agents OR, alternatively, the name of a firm having as a member a registered attorney or agent. If no name is listed, no name will be printed.

TOWNSEND and TOWNSEND  
1 KHOURIE and CREW

2 \_\_\_\_\_  
3 \_\_\_\_\_

DO NOT USE THIS SPACE!

5. ASSIGNMENT DATA TO BE PRINTED ON THE PATENT (print or type)

(1) NAME OF ASSIGNEE:

**AFFYMAX TECHNOLOGIES N.V.**

(2) ADDRESS: (CITY & STATE OR COUNTRY)

De Ruyderkade 62, Curacao, Netherlands Antilles

6a. The following fees are enclosed:

Issue Fee       Advance Order - # of Copies \_\_\_\_\_

6b. The following fees should be charged to:

20-1430

DEPOSIT ACCOUNT NUMBER

(ENCLOSE PART C)

Issue Fee       Advance Order - # of Copies 50

Any Deficiencies In Enclosed Fees

The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee to the application identified above.

(Attorney's Signature)

Verne Norviel, Reg. No. 32,483 (Date) 3/16/95

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

MM11207 04/10/95 07954646

20-1430 110 142 1,210.00CH

TRANSMIT THIS FORM WITH FEE-CERTIFICATE OF MAILING ON REVERSE

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